

**REMARKS**

This Amendment responds to the Office Action dated April 21, 2006. Claims 1, 4-14, 16 and 18-22 are pending and at issue. New claims 33 and 34 are submitted herewith. Based upon the foregoing amendments and following comments, Applicant respectfully requests reconsideration and allowance of both the pending claims and the newly submitted claims.

**I. CLAIM OBJECTIONS**

Claims 5, 7, 8, 11, 13, 19, and 22 stand objected to due to informalities. By way of the above amendments, these claims have been corrected. Accordingly, Applicant respectfully submits that these claims are in allowable form.

**II. 35 U.S.C. §112 REJECTION**

Claims 9 and 11 stand rejected under 35 U.S.C. §112. Claims 9 and 11 are herein amended. Applicant respectfully submits that these claims are now in proper form.

**III. 35 U.S.C. §102(B) REJECTIONS**

Claims 14 and 18 stand rejected under 35 U.S.C. §102(b) as anticipated by Scobie et al. (U.S. Patent No. 4,659,064). Claim 14 has been amended to positively recite abutting fixed geometry structures carried by said valve body and said disc and including first and second stationary guide structures carried by said valve body and extending inwardly into the valve body. Scobie et al. does not teach stationary guide structures extending inwardly into the interior (16) of the valve body. Instead, the only thing on Scobie that extends into the interior of the valve is a rotatable shaft, which cannot possibly be a stationary structure. Therefore claim 14 is allowable, as is dependent claim 18.

**IV. 35 U.S.C. §103 REJECTIONS**

Applicant respectfully traverses the rejections of claims 1, 4-7, 9 and 10 (as obvious over Scobie et al. in view of Hubertson), claims 11-13 (as obvious over Scobie et al. in view of Hubertson and Bylsma), and claims 19-21 (as obvious over Scobie et al. in view of Bylsma).

Regarding claim 1, neither Scobie et al. or Hubertson teach a seal structure including a cavity having an elliptical configuration to deform said resilient annular seal to an elliptical shape. Before being deformed by the throttle, the seat ring in Hubertson is completely circular. Nothing in either reference teaches or suggests an elliptical cavity formed by the seal cartridge members. By contrast, claim 1 (and all claims depending therefrom) recites a

cavity that is elliptical and that deforms the resilient annular seal to an elliptical shape. Because neither Scobie et al. nor Hubertson teach or even suggest an elliptical cavity formed by the first and second cartridge members, Applicant submits that claim 1, and claims 4-7, and 9-13 depending therefrom, are allowable.

Likewise, the prior art fails to teach all the claim limitations recited in claim 19. Claim 19 recites a rotary valve having abutting fixed geometry structures carried by said valve body and said disc and including first and second stationary guide structures carried by said valve body and extending inwardly into the valve body. None of the prior art references teach stationary guide structures extending inwardly into the interior of the valve body. As discussed above, the only thing on Scobie that extends into the interior of the valve is a rotatable shaft, which cannot possibly be a stationary structure. Bylsma adds nothing. Because the cited references do not teach all the limitations recited by claim 19, that claim and dependent claims 20 and 21 are allowable.

## **V. NEW CLAIMS**

New claim 33 positively recites a rotary valve comprising a valve body; a shaft; a seal assembly coupled to the valve body, the seal assembly including first and second retainers housing a resilient annular seal, the resilient annular seal forming a sealing surface protruding inwardly from the valve body; a rotatable disc mounted in the valve body and operably coupled to the shaft, the disc having an elliptical periphery; and an elliptical cavity formed between the first and second retainers, the elliptical cavity arranged to deform the resilient annular seal to an elliptical shape. None of the prior art teaches or even suggests all the limitations of this claim. Therefore, claim 33 is allowable.

New claim 34 positively recites a rotary valve comprising a valve body having a flow path; a seal assembly carried by the valve body and defining a sealing surface; a shaft; a disc carried within the valve body flow path for rotation relative to the valve body about an axis and having a periphery rotatable into and out of sealing engagement with the sealing surface; first and second stationary guides carried by the valve body and abutting opposing portions of the disc, the guides spaced apart along the axis, wherein the guides extend inward into the flow path and further wherein the shaft extends into one of the first and second guides. None of the prior art teaches or even suggests all the limitations of this claim. Therefore, claim 34 is allowable.

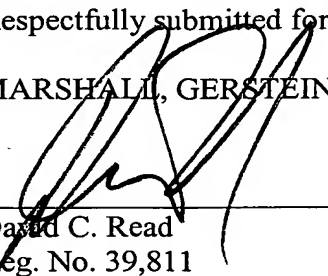
**VI. CONCLUSION**

For the reasons stated above, Applicant submits that the specification and claims are in proper form and clearly define patentable subject matter with respect to the prior art. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP.

Respectfully submitted for,

MARSHALL, GERSTEIN & BORUN LLP

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